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DRAFT

Los Angeles County Board of Supervisors
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: Newhall Ranch Development Project—Final EIR's Inadequate Evaluation
Of Environmental Impacts And Needed Mitigation Measures Relating To
Proposed Open Space Dedications

Dear Supervisors:

This letter is written on behalf of the Santa Clarita Watershed Recreation and Conservation Authority (SCWRCA), a joint authority of the Santa Monica Mountains Conservancy (Conservancy) and the City of Santa Clarita, concerning the proposed County approvals for the Newhall development project. SCWRCA's principal purpose is to facilitate cooperative arrangements among public entities for the preservation and management of open space in the Santa Susana Mountains. Among its many activities, the Conservancy manages the 4,000 acre Santa Clarita Woodlands Park, which extends from the Golden State Freeway in the Newhall Pass to the boundary of the Newhall Ranch Specific Plan.

The Conservancy has previously offered extensive comments discussing the substantial problems with the timing, nature, accountability, and substance of what the Final EIR (or FEIR) on the Project euphemistically refers to as the project's "open space dedication." (For your convenience, a copy of the Conservancy's most recent written comments, dated September 3, 1997, is attached.) Unfortunately, these prior comments by the Conservancy and others about the critical open space issues have been met with inadequate, at times non-existent, responses in the Final EIR. The Final EIR has offered the public and the Conservancy little more than conclusory statements in its responses, often devoid of factual support. This refusal to address significant issues raised by the comments denies the public and public agencies their right of

informed public participation at this critical stage in the CEQA process.

By this letter, SCWRCA takes the opportunity to alert the Board of Supervisors to the continuing unresolved problems concerning the Project's open space dedications. This letter discusses three fundamental problems with the Final EIR and the presently proposed open space mitigation measures for the development project. First, the Final EIR's present proposals for the dedication of open space land for public use in order to mitigate the significant adverse impacts caused by development of the Newhall project are largely illusory and the critical question of the future ownership and management of the open space area is virtually ignored by the FEIR—at the same time that Newhall has unilaterally entered its own proposed contractual arrangements with its private nonprofit proxy, the Center for National Lands Management (CNLM). Second, the FEIR fails to adequately address the environmental impacts on the open space areas caused by Newhall's continuing farming, oil drilling and other activities throughout the indefinite—and potentially very lengthy—interim period prior to any possible dedication. Third, the EIR fails to adequately evaluate and mitigate the significant impacts of the urban development components of the project on the valuable, sensitive natural resources in the open space areas. Consequently, the proposed open space dedication mitigation measures described in the FEIR are at risk of being a meaningless exercise, instead of an effective dedication for the benefit of the public and the environment. The Final EIR's attempts to dismiss these flaws by stating that they only relate to the Development Agreement and by proposing that further evaluation of these issues should be postponed to later stages of development approvals are patently wrong. One point should be abundantly clear: *the project's open space dedication components present the County decisionmakers with profound legal and policy problems that are not cured by the withdrawal of the Development Agreement from consideration.* Indeed, Newhall's attempt to piecemeal the proposed development project by withdrawing the Development Agreement from consideration only multiplies the project's severe problems.

I. The Project Approvals As Proposed And The FEIR Fail To Ensure Effective Dedication Of Land For Public Use As Mitigation For The Project's Significant Adverse Impacts.

According to the Final EIR, the High Country and River Corridor Special Management Areas ("SMAs") will serve as key components of mitigation for the massive Newhall development project. See Mitigation Measure 4.6-23 (for the River Corridor) and Mitigation Measure 4.6-38 (for the High Country). Closer examination, however, reveals that the proposed open space dedications are critically flawed by unspecified and unevaluated open space ownership and management arrangements reserving significant rights to the developer, by delays and indefinite timing arrangements, and by the lack of sufficient resources to be required for ongoing

management of the land to be dedicated for the public benefit.

The California Environmental Quality Act ("CEQA") requires public agencies to deny projects unless all feasible measures are imposed to mitigate significant adverse project impacts. *See* Public Resources Code § 21002; *see, e.g., Sierra Club v. State Board of Forestry* (1994) 7 Cal.4th 1215, 1233 [32 Cal.Rptr. 19] ("CEQA compels government first to identify the environmental effects of projects and then to mitigate those adverse effects through the imposition of feasible mitigation measures or through the selection of feasible alternatives."). If, *and only if*, all feasible mitigation for significant impacts is to be undertaken can a public agency approve a project.

State law demands that mitigation measures be spelled out precisely "as early as feasible in the planning process to enable environmental considerations to influence project program and design." CEQA Guidelines § 15004(b). Crucially, courts have rejected attempts by public agencies to delay discussion of key mitigation measures until some later date when it is supposedly more convenient for the agency or for the applicant. *See, e.g., Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306 [248 Cal.Rptr. 352] ("The requirement that the applicant adopt mitigation measures recommended in a future study is in direct conflict with the guidelines implementing CEQA.").

To be sure, CEQA hardly requires agencies to adopt mitigation when it is not yet practical to develop them. "[F]or kinds of impacts for which mitigation is known to be feasible, but where *practical considerations prohibit devising such measures early in the planning process* . . . the agency can commit itself to eventually devising measures that will satisfy *specific performance criteria* articulated at the time of project approval." *Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028 [280 Cal.Rptr. 478]. (Emphasis added.) State law does not require agencies to do the impossible. Nevertheless, the Final EIR must demonstrate that the mitigation measures proposed will achieve maximum feasible mitigation. If any parts of these measures are vague or inconclusive, CEQA demands that the County show that "practical considerations prohibit" doing anything more at this stage. Thus, as to the two open space SMAs, the Final EIR must show that they achieve the maximum feasible mitigating benefits, and if any of their provisions are unclear or not spelled out, then it is simply not practical to do any more at the present time. These CEQA obligations apply regardless of whether a Development Agreement is presently being considered.

B. The FEIR Fails To Evaluate And Specify The Ownership And Management Of The Dedicated Public Land.

Despite repeated request by the Conservancy and others, the Final EIR for the development project refuses to evaluate and specify what type of entity should own and manage the SMAs and how it can be ensured that adequate resources will exist to

carry out any mitigation plan.

The Resource Management Plan ("RMP") for the Newhall project requires that, at some future point, before the open space easements are recorded, "the land owner shall provide a plan to the County for the permanent ownership and management of the High Country SMA. This plan *may include* the transfer of ownership of the High Country SMA to an entity agreeable to the County and land owner." RMP §2.6(d)(vi). (Emphasis added.) The River Corridor open space dedication ownership and management provisions are identical. RMP § 2.6(d)(iv). Thus, the open space in question may never be transferred to a public entity *at all*.

The Final EIR insists that the ownership and management of the Open Space areas is premature and not an appropriate issue for the FEIR. *See, e.g.,* OT-266, Response 5 ("[t]he issue regarding ownership and management of the Open Area is not an issue for the Draft EIR."). *See also* Response 6, OT-269. On its face, this assertion is patently erroneous. The Final EIR expressly cites proposed public dedication of the open space areas as a key mitigation measure and the Statement of Overriding Considerations relies on this public dedication as an overriding consideration for the development project's unmitigable significant environmental impacts. SOC 157-58. If the open space is not to be transferred to a public entity, how does the County propose to ensure that the SMAs will play the critical, and legally necessary, mitigation role assigned to them, i.e., fully mitigating the massive development project's significant adverse environmental impacts? And if the SMAs are transferred to a private entity, how can the public be guaranteed that the transferee entity will be capable of, and committed to, preserving the environmental and public recreational, scenic and environmental resource values that constitute full mitigation?

As noted above, the Final EIR can refuse to give specifics about the ownership and management issues relating to the open space areas only if "practical considerations prohibit" it. Yet the Final EIR contains no pertinent information about why this might be so, mainly because there is no conceivable reason for delay in determining the ownership and management of the SMAs. Indeed, it is obvious that detailed and elaborate arrangements for the ownership and management of the SMAs can be achieved at the present, *because Newhall has already unilaterally made such arrangements without the County's participation or consent*. Newhall has recently entered into an agreement with the Center for Natural Lands Management (CNLM), in a series of specific contracts for the long-term ownership and management of the SMAs. Newhall's own actions plainly belie the Final EIR assertions that issues of Open Space ownership and management are premature and inappropriate for EIR consideration.

The FEIR Responses also claim that the proposed very general project approval conditions would provide full accountability because the County must approve the ownership/management entity. RTC-356, Response 2. The

FEIR's Responses to the Conservancy's letter are inadequate because they fail to address the letter's central point: *the ownership and management system sought to be established by and for Newhall would completely undercut meaningful public accountability and instead would advance Newhall's interests, not the public's*. Nowhere do the Responses address the fact that, under Newhall's proposed arrangement, CNLM's budget would be wholly controlled by Newhall, and that all open space management rules and regulations must be approved by Newhall. As noted in the Conservancy's letter and by the various comments made by Conservancy representatives at various Planning Commission meetings, leaving the open space in Newhall's hands—or putting it into the hands of its proxy, CNLM—presents a formidable conflict of interest because Newhall's interests are not the same as the public's.

Indeed, the Responses only highlight the importance of the present vacuum of information about, and evaluation of alternative proposals for, the future ownership and management of the open space areas. For example, responding to the Conservancy's observation that the present side agreements between CNLM and Newhall would give Newhall a very powerful right of reversion, the Final EIR states that "[t]his right of reversion is included for the protection of *Newhall* to ensure that the property will be preserved and managed as envisioned in the Agreement." RTC-1229. (Emphasis added.) This statement misses the point: open space dedication is mitigation of adverse impacts required by state law to protect the *public*, not Newhall. Even if the ownership and management responsibility for the open space were initially vested in CNLM, rather than a public entity, when and if CNLM fails to do an adequate job in fulfilling these important responsibilities, why should the reverter right not accrue to the County or some other public agency? Again, the Final EIR is deafeningly silent.

Furthermore, the Final EIR asserts that dedicating the High Country SMA to the Conservancy would itself present an accountability problem: such a dedication would not allow the County to control the future developments within the SMAs, the FEIR asserts, because the Conservancy is a state agency rather than an entity of the County. RTC-360. The FEIR's contention, of course, ignores the comparative lack of accountability to any public body in the present side arrangements between Newhall and CNLM. Moreover, the FEIR ignores the possibility that another public agency besides the Conservancy, such as SCWRCA, could serve as the entity that would own and manage the open space. Finally, the FEIR ignores the fact that the Conservancy presently owns and manages *thousands* of acres of land in Los Angeles County and that the County and the Conservancy have an ongoing relationship in preserving and providing public services on those acres. Put another way, if the Final EIR is going to dismiss Conservancy stewardship of the open space on grounds of accountability, it must analyze the various other

alternatives on the basis of comparative accountability. This it singularly fails to do.

Aside from these critical accountability issues, the FEIR also contains no such evidence at all evaluating CNLM's management capabilities and its financial capacity to manage several thousand acres of sensitive open space. The side agreements between CNLM and Newhall provide for a very limited endowment to fund CNLM's management. As set forth in the Conservancy's September 3rd letter, the \$2 million sum proposed by Newhall is completely inadequate for its stated purpose. For instance, CNLM's budget would provide for no full-time rangers, raising the possibility of substantial security concerns in the SMAs. The Final EIR merely asserts that "[m]any large open spaces function without a full time ranger staff," and claims that CNLM has a software program to budget its open space management. RTC-1232. What is striking here is that the Final EIR contains no evidence—*none*—to guide decisionmakers in resolving these important issues. Are rangers required? Is CNLM's budget adequate? Is CNLM's software program accurate? What other agencies have used it? What are examples of this use? There is simply no way, from looking at the FEIR, to answer these questions.

B. The FEIR Fails To Address The Environmental Impacts Of Newhall's Ongoing Activities In The Open Space Areas Prior To Any Eventual Dedication.

The Resource Management Plan (RMP), §2.6, provides that easements for conservation of, and public access to, the High Country SMA some day will be dedicated:

Prior to the issuance of the 15,000th residential building permit within the Specific Plan Area, or the 4,000th residential building permit within the Potrero Valley Village, whichever occurs earlier. . . . ((d)(ii)).

In other words, the essence of the public benefits proposed to be obtained from the High Country SMA dedication mitigation measure will be delayed for years, or even decades. The provisions concerning the timing of the dedication of the River Corridor SMA are even worse for the public. RMP §2.6(d)(ii) states:

Upon completion of development of all land uses, utilities, roads, flood control improvements, bridges, trails, and other improvements necessary for implementation of the Specific Plan within the River Corridor in each subdivision allowing construction within or adjacent to the River Corridor, a permanent, non-revocable conservation and public access easement shall be recorded over the portion of the River Corridor SMA immediately adjacent to or within that subdivision.

Thus, the meager protections offered to the River Corridor SMA become effective only when the Specific Plan is *fully* implemented—potentially several decades away.

Notably, even in the absence of any Development Agreement, the County is being asked to grant the applicant a valuable Tentative Vesting Map that "locks in" entitlement requirements. See Government Code § 65943. Thus, receipt of these open space benefits by the County and the general public at some unknown, long-delayed later date represents an exceptionally poor trade-off for the citizens of Los Angeles County, since Newhall will begin to receive its vesting map benefits now.

Furthermore, Newhall has indicated it will continue its ongoing farming and oil drilling activities in the SMAs for the foreseeable future. In its letter of February 19, 1997 (p. 1499), Newhall states that "[t]here will be on-going oil and gas and agricultural operations on our property until the property is developed." Moreover, the Development Regulations provide for continuation of existing uses and leases within the Specific Plan area, including oil and natural gas operations and storage as well as cattle grazing. Specific Plan, Development Regulations, § 3.2(4)(b), p. 3-3. But what are the likely environmental effects of such oil and gas drilling and such cattle grazing on the SMAs? How will these activities affect the suitability of the SMAs as a key mitigation measure for the far-reaching negative environmental effects of the proposed massive development project? The Final EIR refuses to answer these questions.

There are many commonsense reasons to suppose that such interim operations and activities by Newhall and its lessees will degrade the public open space resource value of the SMAs. It is one thing to have oil wells, gas fields, and extensive cow grazing activities in the midst of a privately held property which, up until now, has been the case at Newhall Ranch. But it is a completely different matter to pursue these high impact operations within territory that is supposed to serve simultaneously as public environmental and recreational open space—precisely the scenario the Final EIR envisions. Unmitigated oil drilling operations may be noisy, smelly and ugly, to say nothing of dangerous, and they clearly pose the potential to degrade the recreational, scenic and environmental resource values of the proposed public open space and the related hiking trails. Similarly, cattle that consume and trample the open space vegetation until the dedication actually occurs may well harm the biological values that make the open space a valuable public resource in the first place.

Oddly, instead of demonstrating that adverse environmental impacts will not occur as a result of Newhall's ongoing interim activities in the open space area and/or that all needed mitigation measures have been evaluated and imposed, the Final EIR contends that commentators concerned about these important environmental impacts should themselves provide evidence that the open space

area in question will be degraded. Thus, responding to the Conservancy's comments about the potential for open space degradation from Newhall's contemplated ongoing interim activities, the Final EIR cryptically states that "Los Angeles County does not agree that continuing such land uses would create 'potential for severe degradation of the open space,'" and "no information or data is provided in this comment which supports the claim that the continuation of such land uses would somehow change or accelerate the degradation of the site." Response 4, OT-265 (Response to Oral Testimony).

This Response completely misunderstands CEQA requirements. It is the responsibility of the EIR preparer, not a commentator, to investigate the extent to which degradation will or will not occur. "To conclude otherwise would place the burden of producing the relevant environmental data on the public rather than the agency and would allow the agency to avoid an attack on the adequacy of the information contained in the report simply by excluding such information." *King's County Farm Bureau v. City of Hanford* (1990) 216 Cal.App.3d 716, 723 [270 Cal.Rptr. 650].

Beyond this, the Final EIR acknowledges that, in fact, significant damage has already occurred to the SMAs from the activities in question. The FEIR admits that "such land uses have led to the disturbance of portions of the site." Response 4, OT-265. Similarly, the FEIR further contends that "there are many parts of the project site, including the High Country and River Corridor SMA areas, that do not suffer from 'severe degradation'"—a plain admission that, conversely, portions of the SMAs *do* suffer severe degradation. Furthermore, in Response to a Comment from the California Department of Fish and Game—in which DFG noted that continued cattle grazing in the open space areas could cause severe degradation (Comment Letters and Public Hearing transcripts, p. 24)—the Final EIR agreed to remove grazing from the River Corridor SMA upon approval of the Specific Plan, but inexplicably refused to do so from the High Country SMA. (RTC-49).

II. The FEIR Fails To Adequately Analyze The Impacts Of The Specific Plan On Environment In The Open Space .

The FEIR also fails to adequately evaluate the many significant impacts of the proposed urban development uses on the dedicated open space and its recreational, scenic and environmental resources. Indeed, because the open space dedications are considered a key project approval condition for the proposed development project, the FEIR must assess the significant impacts of the project on the open space areas proposed to be dedicated and must evaluate and specify all feasible mitigation measures to prevent those impacts. The FEIR identifies many significant impacts on the existing open space areas, but evaluation of most mitigation measures is deferred until later applications are to be made for federal permits and other public agencies are relied on to assure

mitigation efficacy. This denies the decisionmakers and the public opportunity to realistically evaluate the impacts of the proposed development and to require the appropriate mitigation measures. Indeed, this approach improperly removes the decisionmaking power from the County and shifts it to other agencies.

A. The FEIR Does Not Adequately Evaluate The Project's Impacts On Wildlife Corridors And Needed Mitigation Measures.

The FEIR acknowledges that the Newhall development project will create a significant impact on the movement of wildlife between the river and upland areas. FEIR 4.6-49. During construction and after the buildout of the development, important wildlife movement will be limited to a single corridor, the Salt Creek Wildlife Corridor. The FEIR claims that preservation of the Salt Creek Corridor—what the FEIR refers to as a "critical component of the open area system"—will provide a protected pathway for animals between these areas. § 4.6-48; Statement of Overriding Considerations at 19. This "critical component," however, is not assured through the project approval conditions nor is the corridor's ability to mitigate the project's significant impacts adequately evaluated.

The United States Fish & Wildlife Service (USFWS) points out that it is doubtful that a single corridor could provide adequate space for the movement of the various species. Letter, USFWS, January 13, 1997, C-15. Furthermore, portions of the Salt Creek Corridor *fall outside of the Specific Plan area* and are controlled by Ventura County. The 's Statement of Overriding Considerations, at page 19, notes that, "[c]urrently a portion of the wildlife corridor is situated in Ventura County. Future land use decisions will be required to define the corridor's final configuration in areas that occur outside the County of Los Angeles." SOC-19. This is incorrect, explains Ventura County; actually, at present, the portion of the corridor that falls within Ventura County functions as agricultural land. Letters, Ventura County Board of Supervisors, February 11, 1997, C-157-161; November 13, 1997, C-2058. Thus, no permit would be necessary for many agricultural activities and facilities that could well be wholly inconsistent with a corridor for wildlife.

The FEIR further claims that if land use changes or projects were to be proposed for areas within Ventura County, the effects on the wildlife corridor would be considered under Ventura County's General Plan. RTC-361. Again, the reliance on Ventura County is mistaken; according to Ventura County, even if a land use decision was to come before it, because the area is zoned for Agricultural Use and Mineral Resources Protections, priority would be given for the agricultural use over non-agricultural wildlife, plants, and habitat. In addition, aside from a vaguely worded statement by Newhall that it has no present intentions to develop its Ventura County land (RTC-150, 361), there is

no assurance that Newhall would not actually develop that land or sell it to another entity who will. The proposed project approvals provide no assurance that the Ventura County side of the wildlife corridor will remain undisturbed in the future.

B. The FEIR Delays Evaluation Of Mitigation Measures For Significant Biological Impacts.

As proposed, the Newhall development project will cause significant, unavoidable biological impacts to both habitat and wildlife. FEIR 4.6-131. But the FEIR delays much of its analysis and the development of mitigation measures until later federal permitting applications and County applications for specific tract maps. RTC-21, 24, 47. The FEIR postpones discussion of specific mitigation, simply "because it is not practical at this time." RTC-24.

USFWS points out the problem, however, with this position:

[T]he conceptual project design approach presented in the DEIR [is] poorly suited to the purpose of environmental review. It is logically and factually inconsistent to proceed from the conceptual design in the DEIR to the specific findings of significance presented. The DEIR contains only conceptual maps and generalized discussion of various development activities yet offers rather detailed analyses of the effects of these actions on components of the environment, including individual species, and offers specific conclusions regarding the significance of such effects.

Letter from USFWS, January 13, 1997, C-13. *See also*, California Department of Fish & Game (CDFG) Letter, December 5, 1996, C-23. USFWS goes on to note that, without more detailed information, "the conclusions regarding the nature and significance of the project's effects presented...are rather speculative and cannot adequately be substantiated." C-13.

Other agencies have pointed out the inadequacy of the FEIR's analysis of the project's direct and indirect effects on endangered and listed species. CDFG Letter, December 5, 1996, C-23. As is pointed out by USFWS, the FEIR's discussion of the direct and indirect effects of the project on sensitive species such as the least Bell's vireo, unarmored threespine stickleback, and the southwestern willow flycatcher are "virtually identical, suggesting a boiler-plate approach." Letter, USFWS, January 13, 1997, C-14.

C. The FEIR Fails To Identify Adequately Explain And Justify Shifts Of The Significant Ecological Area Boundaries.

The proposed development project would substantially alter the boundaries of

two Significant Ecological Areas (SEAs), areas that the County has previously designated as having sensitive, unique or exemplary biological conditions. Approval of the project would reduce SEA 20, part of the Santa Susana Mountains containing oak woodlands and wildlife corridors, by approximately 466 acres. SEA 23, which encompasses the Santa Clara River, would lose 103.62 acres. FEIR, 4.6-29, 122-23.

The FEIR purports to justify adjusting the boundaries of the two SEAs by claiming that it "better reflect[s] the biological resources present on the site." FEIR at 4.6-119. According to the FEIR, this adjustment to the SEA boundaries serves to "delineate where the resources are" and "to accommodate the applicant's vision for Newhall Ranch." Newhall intends to use the land "declassified" as SEA to develop residential areas within the project.

The FEIR claims "lower quality habitat" will be exchanged for "higher quality" new open space areas that may have been omitted from prior SEA assessments by a "not necessarily...precise portrayal" of the SEA boundaries by the County. Although public comments questioned the rationale for losing *any* habitat from the SEAs (e.g., letters, Environmental Defense Center, February 11, 1997, C-783; April 1, 1997, C-886), the FEIR responses simply insist that the proposed switch would provide a net increase in the amount of open space of 155 acres. RTC-568. There is no explanation as to why, if there is land that is also superior habitat to that which is presently in the SEA, the County does not simply expand the SEA boundary to include the newfound, better habitat, without deleting any of the areas that are presently within the SEA boundaries. Similarly, there is no explanation of why the presently degraded areas should not be restored, as a condition of project approval, and kept within the boundaries of the SEA.

D. The EIR Fails To Adequately Address Mitigation Measures Relating To The Public Use Of The Open Space.

The FEIR fails to inform us how the public access and environmental protection purposes of the open space are to be reconciled—a particularly important issue if the open space were ever to be owned and managed by a private entity more directly accountable to Newhall than to the public. For instance, in discussing visual impacts (FEIR § 4.7), the viewshed for "Transitory Recreational Population" neglects to discuss the visual impact of, and mitigation measures for, man-made facilities that will remain in the open space areas, such as oil and gas drilling and production facilities. FEIR 4.7-27, 61. Although the FEIR examines the proposed development project from ten viewsheds "which would display the maximum amount of development visible within that range of view" (FEIR 4.7-3), the single viewshed chosen for hikers using the trails fails to examine the foreground view that may be the most disturbing: active oil and gas processing facilities. The FEIR merely states that "only the background view is affected by the Specific Plan." FEIR 4.7-61.

This is not accurate, of course, because a key component of the overall project approvals will be to introduce the public into the open space areas that are now privately owned.

Given the FEIR's erroneous definitions of "viewshed" and "development area," it is not surprising that it has not included the ongoing activities within the open space areas as a part of the viewshed of the development area. Nevertheless, to a hiker in the SMAs, an oil drilling facility would certainly be at least as much of a "prominent visual feature," defined in the FEIR to include features "that stand out in relation to their surroundings" (FEIR 4.7-3), as would be a city on the distant horizon. Further, where the public will access the property, there may well need to be a buffer zone, in the form of a high fence or wall, between the oil production facilities and hikers, who may veer off hiking trails. Such visual impacts on the "transitory recreational population" are also not discussed. Furthermore, since the issues relating to man-made visual distractions within the open space area are not discussed by the FEIR, it is not surprising that in the FEIR's "Proposed Improvements" section there are no suggestions of any mitigation measures to shield or camouflage these potential eyesores from the public accessing the open space. FEIR 4.7-27-30.

CONCLUSION

The County should take this opportunity to ensure that these important open space issues are addressed in the Newhall project's EIR. To date, no reason has been provided regarding why the project's open space areas should not be owned and managed by a public agency with a proven track record for encouraging public access while preserving environmental and scenic resources.

Very truly yours,

D R A F T

Carlyle W. Hall, Jr.

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Encl.